

01-MD-01407-STMT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE
(PPA) PRODUCTS LIABILITY
LITIGATION,

MDL NO. 1407

SUGGESTION OF REMAND
ORDER

This document relates to:

Phillips, et al. v. Bayer
Corp., No. 05-1522

The court, having reviewed the record of the above-referenced action, finds and rules as follows:

(1) Common discovery and other coordinated pretrial proceedings have been completed. All remaining issues are case-specific, and best determined by the transferor court, with the exception of the depositions of Dr. Yvonne Milewski and Dr. L. Schwartz.¹

¹Plaintiff sought to have remand of this case delayed in order to depose two physicians: Dr. Yvonne Milewski and Dr. L. Schwartz. The court is of the opinion that remand should not be delayed on this basis. Plaintiff, who filed this case in June 2005, has had more than sufficient opportunity to complete the depositions of these doctors, neither of whose identity has been a mystery. Defendant Bayer Corporation has informed the court that it does not object to Plaintiff conducting these depositions so long as (1) doing so does not delay remand of the case, and (2) they are completed on or before February 29, 2008. This court hereby grants Plaintiff permission to depose these last two case-

ORDER

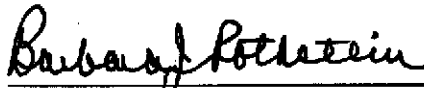
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1 (2) This case will not benefit from further coordinated
2 proceedings as part of MDL 1407, and is ready to be remanded to
3 its transferor jurisdictions.

4 Pursuant to Rule 7.6 of the Rules of Procedure of the
5 Judicial Panel on Multidistrict Litigation, the court issues its
6 Suggestion of Remand Order in the above-referenced case.

7 The Clerk is ORDERED to provide copies of this Order to the
8 Clerk of the Judicial Panel on Multidistrict Litigation and to
9 the clerk of the transferor district court.

10 DATED at Seattle, Washington this 16th day of January, 2008.

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13 BARBARA JACOBS ROTHSTEIN
14 UNITED STATES DISTRICT JUDGE
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26 specific fact witnesses, provided the depositions are completed
on or before February 29, 2008.

ORDER

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Exhibit A

Fact Discovery Deadline Expired on or before 10/31/2007

Fact Discovery Complete

Cases Ripe for Remand

12/03/2007

	Case Name	Plt. First	Plt. Last	MDL #	Transfer Court	Transfer	TDD	Other Defendants
1	Phillips, et al. v. Bayer Corp.	John	Phillips	05-1522	Southern District of New York	05-6391	01/25/2007	Bayer Corporation